

OCT. 14. 2005 12:19PM

CBL&H 202 293 6229

NO. 8426 P. 1/4

RECEIVED  
CENTRAL FAX CENTER

OCT 14 2005

# FAX TRANSMISSION

DATE: October 14, 2005

PTO IDENTIFIER: Application Number 10/614,865-Conf. #8164  
Patent Number

Inventor: Fritz Gestermann et al.

MESSAGE TO: US Patent and Trademark Office

FAX NUMBER: (571) 273-8300

FROM: CONNOLLY BOVE LODGE & HUTZ LLP

Susan E. Shaw McBec

PHONE: (202) 331-7111

Attorney Dkt #: 22133-00005-US

PAGES (Including Cover Sheet): 4

CONTENTS: Response to Restriction Requirement (with Travers) (2 pages)  
Certificate of Transmission (1 page)

If your receipt of this transmission is in error, please notify this firm immediately by collect call to sender at (202) 331-7111 and send the original transmission to us by return mail at the address below.

This transmission is intended for the sole use of the individual and entity to whom it is addressed, and may contain information that is privileged, confidential and exempt from disclosure under applicable law. You are hereby notified that any dissemination, distribution or duplication of this transmission by someone other than the intended addressee or its designated agent is strictly prohibited.

CONNOLLY BOVE LODGE & HUTZ LLP  
1990 M Street, N.W., Suite 800, Washington, DC 20036-3425  
Telephone: (202) 331-7111 Facsimile: (202) 293-6229

PTO/SB/97 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

U. S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Application No. (if known): 10/614,865

Attorney Docket No.: 22133-00005-US

**Certificate of Transmission under 37 CFR 1.8**

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office.

on October 14, 2005  
Date

Signature

Dina N. Van Vuren

Typed or printed name of person signing Certificate

Registration Number, if applicable

202.331.7111

Telephone Number

Note: Each paper must have its own certificate of transmission, or this certificate must identify each submitted paper.

Response to Restriction Requirement (with Traverse) (2 pages)

OCT. 14. 2005 12:20PM

CBL&H 202 293 6229

NO. 8426 P. 3/4

RECEIVED  
CENTRAL FAX CENTER

OCT 14 2005

Docket No.: 22133-00005-US  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Fritz Gestermann et al.

Application No.: 10/614,865

Confirmation No.: 8164

Filed: July 9, 2003

Art Unit: 1742

For: ELECTROCHEMICAL CELL

Examiner: H. D. Wilkins

**RESPONSE TO RESTRICTION REQUIREMENT**

MS Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the restriction requirement set forth in the Office Action mailed September 15, 2005, applicant hereby provisionally elects claims 1-12 and 16 for continued examination, with traverse.

The Examiner has required restriction between claims 1-12 and 16, drawn to an electrochemical cell and electrode and claims 13-15 and 17-20, drawn to an electrolysis method.

The Commissioner may require restriction if two or more independent and distinct inventions are claimed in a single application (37 CFR 1.142(a)). In the present case, although the claimed subject matter may be classified in different classes, the inventions are not independent. Namely, under the *Ochiai* guidelines, products and their methods of manufacture and use are to get examined and allowed in the same application if the claims are of the same scope. In view of this requirement, it is respectfully requested that the restriction requirement be withdrawn, and that each of claims 1-20 presently pending in this application be examined together in the same application.

Application No.: 10/614,865

Docket No.: 22133-00005-US

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 22-0185, under Order No. 22133-00005-US from which the undersigned is authorized to draw.

Dated: October 14, 2005

Respectfully submitted,

By Susan E. Shaw McBee

*for* Registration No.: 39,294  
CONNOLLY BOVE LODGE & HUTZ LLP  
1990 M Street, N.W., Suite 800  
Washington, DC 20036-3425  
(202) 331-7111  
(202) 293-6229 (Fax)  
Attorney for Applicant